United Nations A/HRC/36/NGO/7

General Assembly

Distr.: General
12 September 2017

English only

Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 August 2017]

* The written statement is issued, unedited, in the language received from the submitting non-governmental organization(s).

GE.17-15999(E)

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Human Rights Situation in Occupied Palestinian Territories

The long term human rights sufferings of OPT are continued for over 5 decades. The sad truth is Israel's lack of commitment to the numerous resolutions adopted by the UN as the international body advocating the rule of human rights law round the world. Israel's tendency not to abide by the International Human Rights Law has and is complicated the OPT situation, making the people suffer from breaches for decades. The following points are summarizing some of the violations in recent years.

1. Equality and non-discrimination

It seems that Israel has failed to meet the responsibilities of the occupying power, to "restore and maintain public order and civil life, including public welfare"1 2 and the evidence proves that Palestinians are facing violation of many fundamental human rights including the right to life, the right to health and right to education.

There are reports manifesting serious discrimination against Palestinians in the region. The restrictions on water, electricity, goods, basic services and employment violates Palestinians fundamental human rights.

In Gaza and the West Bank water shortage is alarming. 90 percent the Gaza contaminated aquifer water is unsuitable for domestic use and the residents are dependent on bottled water to survive3. Some West Bank villages had live only two hour water per week4. Also, on May, 4, 2017, in Jordan Valley, Israel army destroyed the drinking and irrigation water system in the village of Bardala leaving the villagers with no water for farming and livestock5.

In Gaza, the serious electricity crises has reached a point that the hospitals of the region have stopped offering medical services to children, women and men.6 7 The besieged Palestinian territory has been already suffering from severe electricity crises for years and all the available power sources fail to cover the region's energy need8.

Unequal employment opportunities create another source of discrimination against Palestinians. According to statistics there were 369,800 unemployed Palestinians in the first quarter of 20179. As the unemployment rate for Palestinians has increased in the region, during the last decade, the average daily wage in the private sector decreased from about $24 in 2007 to about $19 in 2016. 10

2. Right to life, liberty and security of the person

Continuous Killings

There are continuous reports of Palestinians being killed by the Israeli forces every year. In July 2017, a new array of discriminatory policies in Jerusalem holy site lead to street protests and killings of Palestinians. In 2016, about 150 Palestinians were killed, including babies and the aged. The excessive use of force by the Israeli armed forces raises concerns over the extra-judicial nature of the killings.

In 2014, during the Gaza War, at least 2,100 Palestinians were killed. The United Nations recognized more than 1,500 of the victims as civilians. In the same conflict 11,000 people, mostly civilians, were injured. The Israeli War caused the destruction of 74 11percent of Gaza homes, which left 22,000 homes uninhabitable, displaced 108,000 people, and deprived hundreds of thousands of adequate water or electricity.12

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1 . http://www.hpcrresearch.org/sites/default/files/publications/sassoli.pdf

2 . http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

Article 43 of the Regulations Respecting the Laws and Customs of War on Land, annexed to the Fourth Convention Respecting the Laws of War on Land signed in The Hague on 18 October 1907 ("the Hague Regulations).

3 . http://www.reuters.com/article/us-palestinians-gaza-water-idUSKBN15A1FC

4 . http://www.aljazeera.com/news/2016/10/palestinian-villages-hours-water-week-161023105150024.html

5 . http://english.wafa.ps/page.aspx?id=ogmZZra8125210536 3aogmZZr

6 . http://imemc.org/article/icrc-gaza-on-edge-of-collapse-due-to-electricity-crisis/

7 . https://www.middleeastmonitor.com/20170503-another-gaza-hospital-reduces-operations-due-to-electricity-crisis/

8 . http://maannews.com/Content.aspx?id=776640

9 . https://tradingeconomics.com/palestine/unemployment-rate

10 . https://www.middleeastmonitor.com/20170502-statistics-361000-unemployed-palestinians-in-2016/

11.http://www.salon.com/2016/02/09/74_of_gaza_homes_destroyed_by_israel_in_summer_2014_war_have_not_been_rebuilt_as_violent_repression_escalates/

12 . https://www.hrw.org/world-report/2015/country-chapters/israel/palestine

Raids Attacks

It seems that Israel policies have contributed to instability and conflict in the occupied territories. In 2015, Israeli forces conducted more than 1,200 raids on personal properties, and arrested more than 500 people13. In the time interval between July 2015 and August 2017, more than 4750 14incidents of raid/ kidnappings and arrests are recorded in the territories controlled by Israel. On 28 Jul 2017, 120 Palestinian worshipers were arrested inside Aghsa during a night police raid15.

The Situation of Prisoners

Israel has received 55 recommendations on detention conditions and torture in the last two UPR cycles only 4 of which are accepted. However, torture, ill treatment of prisoners and their deprivation of fundamental human rights continue leading to protests such as hunger strikes of thousands of detainees. On April 2017, 1500 detainees started a new mass hunger strike to protest against prison conditions16. The prisoners demand ending solitary confinement, restrictions of family visits and administrative detention, which is a detention without charge or trial.

Freedom of Movement

Construction of the illegal Wall17 is continuing regardless of repeated international calls. The numerous check points make the Palestinians spend a considerable time of their life in queues every day, violating the freedom of movement for groups of Palestinians, 18 19 20 restricting their fundamental rights of access to medical care, education and farmlands in addition to the abuses happening in the checkpoints. In about 2 years, (from July 2015 to August, 1st, 2017) more than 100 cases of violence and intimidation by Israeli forces at the checkpoints are reported21. On May, 19th 2017, Israeli state comptroller called for more checkpoints22.

The right to property and Confiscation of land

There has been the 18 "Noted" recommendations and UN numerous resolutions calling on Israel to stop illegal settlements23. However, construction of settlements, demolition and confiscation of Palestinian properties continue.24 From July 2015 to August 2017, more than 1700 cases of "Annexation/Demolition/Building/Expropriation" are reported in Israel25, for example:

In September 2014, Israel declared 400 hectares of the West Bank "state land," to facilitate the construction of a large new settlement in the area.26

On May, 2017, Israel resumed construction of the illegal Separation Wall southern occupied West Bank and placed a 4-meter-high-barbed fence Ain Jweiza area northwest of the village of Al-Walaja, while the Israeli newspaper Haaretz, renouncing the move, announced that the construction had stopped three years ago.

3. Right to Education

The Gaza blockade continues collective punishment of civilians in the region. In the Gaza War, over 200 schools, including three UN schools, were destroyed by Israel attacks. The reconstruction of these schools is hampered by the decade Gaza blockade. The inequality of access to education for Palestinians is the consequence of attacks to school,

13 . https://www.hrw.org/world-report/2015/country-chapters/israel-palestine

14 . http://staatvanbeleg.com/archive/

15 . https://english.palinfo.com/news/2017/7/28/Scores-of-worshipers-detained-injured-in-night-police-raid-on-Aqsa

16 . https://www.middleeastmonitor.com/20170429-palestinian-prisoners-are-on-hunger-strike-for-fundamental-human-rights/

17 . http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6, According to ICJ Advisory Opinion17 on 2004, the construction of the Wall in the occupied territories is contrary to international law, the already built Wall should be destroyed and the damage to the region as a consequence of such construction should be repaired.

18 . http://www.haaretz.com/israel-news/1.786233

19 . https://english.palinfo.com/news/2017/4/29/IOA-banned-42-Palestinians-from-travel-last-week

20 . https://www.middleeastmonitor.com/20170428-israel-to-close-gaza-commercial-crossing-for-2-days/

21 . http://staatvanbeleg.com/archive/

22 . http://english.pnn.ps/2017/05/19/israeli-state-comptroller-calls-for-more-checkpoints-in-occupied-west-bank/

23 . including recommendations number: 136.108; 136.151; 136.150 (Noted)

24 . http://staatvanbeleg.com/archive/

25 . http://staatvanbeleg.com/archive/

26 . Previous Source

university campuses and students, especially arrests of student activists, discriminatory policies, the violation of the freedom of movement including the movement of academics.

4. Freedom of religion or belief, expression

In August 2017, there were a new array of attacks to Al-Aqsa, killing peaceful Palestinian worshippers27. The UN Secretary General condemned the attacks and killings of Palestinians28 while Israel continued excessive use of force against the peaceful gathering.

Journalists and social network users end up in Israel prisons for criticizing the government policies. On 18 Apr 2017 The Palestinian ministry of information announced that 28 Palestinian journalists29 are imprisoned by Israel, are in administrative detention without trial and receive military court verdicts. On April 17, 2017, 400 Palestinians30 were arrested for Facebook posts. The Israel intelligence service has developed a database that screens Palestinian comments in social networks. The system has delivered a list of 2200 Palestinians out of which 400 are arrested for having intentions of carrying out attacks against Israel.

5. Recommendations

Being concerned about the widespread long term breaches of various kinds in Israel, the Organization for Defending Victims of Violence (ODVV) calls on the Human Rights Council to urge the government to:

Take practical measures and amend the existing laws to effectively address the serious existing discrimination against Palestinians;

Meet its commitments under the Geneva Conventions, as the occupying power, maintain public order and civil life, including public welfare and find durable solutions for the continuing challenges of Arab people in the occupied territories;

Prevent the construction of all illegal settlements, confiscation of Palestinian lands and demolition of their properties;

Start impartial and independent investigations on all cases of extrajudicial killings and torture, ending the impunity of all perpetrators;

End torture, solitary confinement, administrative detention and put measures in place to safeguard the human rights of all prisoners;

Stop arrests of users of social networks based the information screened by "Big Data";

Respect Palestinians freedom of movement and all the other rights dependent on it such as the right to a family, education and the right to have access to one's properties;

Respect the Palestinians freedom of religion, belief and expression, protect their places of worship and release all prisoners of conscious;

Maximize efforts to protect the rights of Bedouin population and eliminate racial discrimination against them;

Gather data on cases of child labor, aiming at protection of children's rights and elimination of the labor;

And finally, respect the will and concerns of the International Public Opinion enshrined in various number of resolutions adopted by the Security Council, General Assembly, and Human Rights Council.31

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27. https://www.amnesty.org/en/latest/news/2017/07/israeli-forces-attack-peaceful-crowds-at-jerusalem-holy-site/
28. http://www.aljazeera.com/news/2017/07/al-aqsa-slams-israel-killings-young-palestinians-170722052806171.html
29. https://english.palinfo.com/news/2017/4/18/Information-ministry-28-journalists-in-Israeli-prisons
30. https://www.middleeastmonitor.com/20170417-400-palestinians-arrested-for-facebook-posts/
31. Numerous UN Security Council Resolutions including: 162, 237, 242, and the most recent one, 2334 adopted on 23 December 2016
Numerous Un General Assembly Resolutions including: A/RES/71/93, A/RES/71/94, A/RES/71/95, A/RES/71/96, A/RES/71/97 and A/RES/71/98
Numerous UN Human Rights Council Resolutions including:
A/HRC/27, A/HRC/28, A/HRC/29, A/HRC/30, and A/HRC/31